

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKZelton Collins

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983

Jury Trial: Yes ☒ No ☐
(check one)

v.

Defendant No. 1 Capt. Singletary # 1004
at Rikers Island (RNDC)

Defendant No. 2 CO DiPierri # 18192
at Rikers Island (RNDC)

Defendant No. 3 CO Rees # 17045
at Rikers Island (RNDC)

Defendant No. 4 CO Cleveland (# unknown)
at Rikers Island (RNDC)

Defendant No. 5 CO Valentine (# unknown)
at Rikers Island (RNDC)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. No addresses should be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Zelton Collins

ID # 2410911359

Current Institution Otis Bantum Correctional Center

Address 1600 Hazen Street
E. Elmhurst, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Capt. Singletary Shield # 1004
 Where Currently Employed RNDC (C-74)
 Address 11-11 Hazen Street
E. Elmhurst, NY 11370

Defendant No. 2 Name CO DiPierri Shield # 18192
 Where Currently Employed RNDC (C-74)
 Address 11-11 Hazen Street
E. Elmhurst, NY 11370

Defendant No. 3 Name CO Rees Shield # 17045
 Where Currently Employed RNDC (C-74)
 Address 11-11 Hazen Street
E. Elmhurst, NY 11370

Defendant No. 4 Name CO Cloverington Shield # _____
 Where Currently Employed RNDC (C-74)
 Address 11-11 Hazen Street
E. Elmhurst, NY 11370

Defendant No. 5 Name CO Valentine Shield # _____
 Where Currently Employed RNDC (C-74)
 Address 11-11 Hazen Street
E. Elmhurst, NY 11370

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? The defendants used excessive force on me and damaged my property.
- B. Where in the institution did the events giving rise to your claim(s) occur? This event took place at R.N.D.C. (C-74) in a Upper South housing area.
- C. What date and approximate time did the events giving rise to your claim(s) occur? On February 28, 2011 approximately around 0800-0830 hours.

D. Facts: *The defendants had used excessive force with no probable cause causing injuries to my facial and upper body damage. And some of my personal property was damaged and losted few items by CO Valentine.*

What happened to you?

Who did what?

Capt Singleton, CO DiPierri, CO Rees, and CO Clowenington had attacked me during and after the institutional search. CO Valentine had damage and lost few items i'm entitled to have in my possession.

Was anyone else involved?

There was a Deputy Security (Unknown name and shield) that attended the institutional search and he also had attacked me during and after the search. He's identified black male, 5'10 180 lbs, salt and pepper hair and facial.

Who else saw what happened?

Another inmate was also attacked by the defendants. Inmate identified by Oliver Ross #4410913758.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. *Swollen facial, 3 inches stitches located my right eyebrow, minor cuts, and body damage.*

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). at Rikers Island building RND C (C-74)

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?
Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?
Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? Investigation of the incident

D. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose not cover some of your claim(s)?
Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? Identification of the Deputy Security

E. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?
Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?
Yes ☐ No ☐

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? I filed the grievance located Otis Bantum Corr. Center

1. Which claim(s) in this complaint did you grieve? I had complaint about being attack by the defendants.

2. What was the result, if any? I recieved a Non Grievable complaint and Intradepartmental Memorandum. No action.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I had filed another grievance demanded the Deputy Security identification and request my medical exam. From the incident.

G. If you did not file a grievance, did you inform any officials of your claim(s)?
 Yes _____ No _____

1. If YES, whom did you inform and when did you inform them? _____

2. If NO, why not? _____

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Capt. Singletary intreat for me to say that me and inmate Oliver Ross had got into a altercation to cover up this incident, and if I didn't apply to his demand that he would make up the infraction accusing me assault on staff.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the court to do for you.

I'm pressing charges on the defendants for using excessive force for no probable cause and violating my personal property. And I'm suing the Department of Correctional for jeopardizing my safety, excessive force, false punitive segregation, injuries damages, and damages & loss items from my property.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ☒

On
these
claims

B. If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No _____

E. If your answer to D is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit: _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

Signed this 21 day of March, 2011. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff

Inmate Number

Mailing address

Zilton Collins
2410911359
1600 Hazen Street.
E. Elmhurst, NY 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 21 day of March, 2011, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Z. Collins